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ABSTRACT

The information contained in this report was gathered from state departments of education and state organizations of local school administrators in 24 states. The purpose of the survey was to gather information on employment practices affecting school superintendents for the New Jersey Task Force on Business Efficiency of the Public Schools. The data are divided into three categories: states with continuing employment (employment status that ensures permanent employment, such as tenure), states with partial continuing employment, and states without continuing employment. Only two of the states surveyed (Minnesota and South Dakota) have continuing employment for school superintendents; the majority (14) have no continuing employment status for superintendents. The survey indicates that superintendent contract renewal in most states tends to reflect the interests of local boards of education. (Author/DS)

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Tenure for Superintendents

by

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A Report to the Task Force on Business Efficiency
of the Public Schools (c. 212, P. L. 1975), State
of New Jersey

April 1977

EA 010 285

Overview of Report

The purpose of this report is to provide the Organization and Management Committee of the Task Force on Business Efficiency of the Public Schools (c. 212, P.L., 1975) with the results of professional services as described in contract between the Office of Fiscal Affairs (OFA), New Jersey State Legislature, and Dr. David E. Weischadle, consultant. The specific objectives included in that contract were:

1. Review OFA file information concerning each State and its employment practices relating to local school superintendents and tenure.
2. Contact those States which OFA selected and, in telephone conference, determine specific practices related to local superintendents, using questions from Task Force and OFA as guidelines.
3. Organize and compile information gathered.
4. Prepare and submit a brief written report summarizing information for use by the Task Force.

The information contained in this report was gathered primarily from two sources: The State Departments of Education of the respective States and the umbrella organization(statewide) of local school administrators. Names and telephone numbers were provided by Dr. Fred Price, Director of Teacher Certification, NJ

Department of Education, and the office of the Executive Director, New Jersey Association of School Administrators. That assistance is gratefully acknowledged. The source person in each State contacted is listed in this report as both an acknowledgement of appreciation as well as a source for additional information desired by the Task Force.

The data collected are compiled initially in three major categories: States with "continuing employment," States with partial "continuing employment," and States without "continuing employment." Other information is included in the narrative section following the above.

For the purpose of this report, the term "continuing employment" refers to an employment status which insures permanent employment year to year for an individual as superintendent of schools of a local district. In some cases, the term will mean tenure; in other cases, it will mean extended contracts. Also involved are requirements of 1) notice not to employ; 2) statement of reason for dismissal; and 3) inclusion of "due process." Such "due process" should include a hearing before an appropriate agent with the opportunity to offer a defense against dismissal.

This consultant contacted twenty-four States and discussed the issue of employment of superintendents with forty-five persons. In addition, this consultant contacted the National School Boards Association (Washington, DC); the American Association of School Administrators (Arlington, Virginia); and the Education Research Service. This latter organization also of Arlington has agreed to search its files and send updated material to the OFA as soon as possible. Based on the information gathered from the States, the following outlined information is presented:

I. STATES WITH "CONTINUING EMPLOYMENT" STATUS FOR SUPERINTENDENTS.

State	Nature of Employment
Minnesota	Superintendents earn <u>tenure</u> based upon the following: a. Two(2) consecutive years in a single district (other than city district); or b. Three (3) consecutive years in a city district of the first class (pop. - 100,000). Individual need only to serve one (1) year in another district to attain tenure in that district as superintendent. Certificate required. Tenure is awarded by local board. Evaluation is required, but format and content is left for local option. Contact person: Dr. George Droubie Minnesota Department of Education 612-296-2046

I. STATES WITH "CONTINUING EMPLOYMENT" STATUS
FOR SUPERINTENDENTS (Cont'd).

State	Nature of Employment
South Dakota	Superintendents earn a "continuing contract" status reached with the award of a third one-year contract. Status applies to all administrators holding certificates. During first and second year, all administrative personnel must be evaluated. Certificate is required. Evaluation is mandated by legislation. Local district may adopt its own form. If they do not, then the evaluation must follow form developed by the Professional Practice and Standards Commission, State of South Dakota (Copy being sent to OFA). Personnel protected by "due process." Contact person: Gordon Haynes, Esq. South Dakota Department of Education 605-224-3554

II. STATES WITH PARTIAL "CONTINUING EMPLOYMENT"
STATUS FOR SUPERINTENDENTS.

State	Nature of Employment
Illinois	Superintendents hired under: - One (1) year contracts can acquire tenure as a teacher with the third contract awarded. - Multi-year contracts can not obtain tenure. No other form of tenure exists in State for superintendents or other administrators. Administrative contracts are awarded by local boards and are renewed at the "pleasure" of the board. State Department has published <u>Guidelines for Fair Treatment of Administrators</u>, May 1, 1976. Copies being sent to OFA.

II. STATES WITH PARTIAL "CONTINUING EMPLOYMENT"
STATUS FOR SUPERINTENDENTS (Cont'd)

State	Nature of Employment
Illinois (cont'd)	Contact persons: Mr. John Wargo State Administrators Group 217-522-4479 Dr. Earl Patton Illinois State Department of Education 217-782-2316
**	*****
Wyoming	Court case pending which deals with "continuing contract" status for superintendents. State currently has "continuing contract" status only for teachers. After probationary period, teachers are considered permanent employees and have job security. However, the <u>Moreland Case</u> involves a superintendent claiming to be a "teacher," that is, a staff member who is a different form of teacher. Decision expected by State Supreme Court in August 1977. Lower court has ruled against superintendent. No specific tenure law for administrators in State. Contact person: Mr. Frank Supon Wyoming State Department of Education 307-777-7291
**	*****
Iowa	Superintendent is protected by contract renewal process. Contracts are for one-year initially; succeeded by three-year contracts. Evaluation is required and local districts must "show cause" for non-renewal of contract. Design and criteria are local option. Principals and other administrators have two year contracts with "due process."

II. STATES WITH PARTIAL "CONTINUING EMPLOYMENT"
STATUS FOR SUPERINTENDENTS (cont'd)

State	Nature of Employment
Iowa (cont'd)	Contact person: Dr. O. Neerhoof Iowa State Department of Education 515-281-3245
**	*****
Wisconsin	No State statute which awards or grants tenure or continuing employment status. Does award a "regular district administrator" certificate after three years of successful service in such a capacity. Local district has the power to develop a local policy for superintendents and other administrators. Contact person: Mr. Jack Laurence (Mr. Robert Gibson) Wisconsin Department of Education 608-266-1027

III. STATES WITHOUT "CONTINUING EMPLOYMENT" STATUS
FOR SUPERINTENDENTS.

State	Nature of Employment
Massachusetts	Tenure for superintendents eliminated in 1974; included in the elimination were assistant, associate, and deputy superintendents. Copy of new law and other material being sent to OFA. Contact person: Mr. George Hill State Administrators Group 617-523-4263
**	*****

III. STATES WITHOUT "CONTINUING EMPLOYMENT" STATUS
FOR SUPERINTENDENTS. (cont'd)

State	Nature of Employment
Virginia	No tenure law. Four (4) year contract appointment by board; serves at the "pleasure of the board." Contact person: Mr. W. Harrow State Administrators Group 804-443-4366
**	*****
Tennessee	Local superintendents are: a. Elected by popular vote for four (4) years, or b. Appointed by board for a four(4) year term. Local board determines selection process. Contract approach for appointments. Contact person: Mr. Thomas Jewell (Mr. Paul Roberts) State Administrators Group 615-334-5793
**	*****
Maryland	No tenure as superintendent, but does retain tenure as teacher(if he had it). Contracts are for one (1) year and renewable at the "pleasure of the board." Contact person: Mr. John Metzger Maryland Department of Education 301-796-8300, Ext. 266
**	*****
Indiana	Three-year contracts with service at the "pleasure of the board."

III. STATES WITHOUT "CONTINUING EMPLOYMENT"
STATUS FOR SUPERINTENDENTS (cont'd)

State	Nature of Employment
Indiana (cont'd)	Contact Person: Mrs. G. Meredith Indiana State Department of Education 317-633-4762
**	*****
Georgia	Superintendent may be: a. elected by popular vote for four years, or b. appointed by board (40 districts) with contract of 2 to 4 years duration. State has "Fair Dismissal Law for teachers. At- torney-General has ruled that superintendent is a public official and not an employee, thus is not covered by this legislation. Law and decision being sent to OFA. Contact persons: Mr. Mitchell Connors State Administrators Group 912-849-2765 Mr. William Gamble Georgia State Department of Education 404-656-2598
**	*****
Michigan	Superintendents sign multi-year contracts, negotiated with local board. No certification for administrators (Teachers only). Contact person: Dr. Robert Roth (Ms. Faith Bishop) Michigan State Department of Education 517-373-1924
**	*****

III. STATES WITHOUT "CONTINUING EMPLOYMENT" STATUS
FOR SUPERINTENDENTS (cont'd)

State	Nature of Employment
Colorado	Superintendent essentially serves at the "whim" of the board. No certificate required. Aimed at allowing non-educators to serve as superintendent. Material being sent. Contact person: Dr. R. Ruff Colorado State Department of Education 303-892-3075
**	*****
Pennsylvania	Superintendents and assistants work under contract at "pleasure" of the board. State issues "letter of eligibility" to candidates. No certificate. Superintendent is official of the State and is sworn into office, hence excluded from employee tenure. Other administrators have job protection under statute and may have teacher tenure. No tenure in administrative position being held. Tenure only as a professional employee. Local board must "show cause" for removal from administrative position. (Department of Education form 333, a copy is being sent to OFA). Contact persons: Mrs. Bertha Boyd (Dr. Joseph D'Angelis) Pennsylvania Department of Education 717-787-5105
**	*****

III. STATES WITHOUT CONTINUING EMPLOYMENT" STATUS
FOR SUPERINTENDENTS (cont'd)

State	Nature of Employment
Rhode Island -	Superintendents serve under contract -- three(3) years. During second year, contract is reviewed for renewal. Other administrators also under contract, but must be informed of non-renewal of contract for "cause." State has developed a "cause" process. Contact person: Mr. Joseph Gaudet State Administrators Group 401-846-8526
**	*****
Connecticut	Superintendents serve under three (3) year contracts, which may include internal elements to protect against dismissal. Tenure only for teachers. Administrators serve essentially at the "pleasure of the board." However, they are protected by State "Fair Dismissal Law." Copy being sent to OFA. Contact Person: Mr. Joseph Conard State Administrators Group 203-247-6282
**	*****
North Carolina	Superintendent and assistants are employed under contract. "Fair Employment and Dismissal Act" forbids the above from inclusion in a continuing employment category. Copy of law being sent to OFA. Contact person: Dr. Robert Boyd North Carolina Department of Education 919-733-2481

III. STATES WITHOUT "CONTINUING EMPLOYMENT"
STATUS FOR SUPERINTENDENTS (cont'd)

State	Nature of Employment
Nevada	Superintendents are under two-or four-year contracts. Counties establish policy. Teachers have tenure, or continuing contracts. Bill in legislature to include superintendents in statute. Contact persons: Mrs. Marilyn Crawford Nevada Department of Education 702-885-5700, Ext. 224 Mr. Edwin Dodson State Administrators Group 702-784-6518
**	*****
Washington	Superintendent employed under three (3) year contract. No certificate required to encourage non-educator to serve. State has "Continuing Contract Law" for teachers only. Copy being sent to OFA. Contact Person: Dr. Lillian Kady Washington State Department of Education 206-753-1031
**	*****

Other Issues

The States contacted were also queried on a variety of other issues, particularly a superintendent's power:

- a. To hire and fire staff,
- b. To re-organize administrative organizational structure.

There was general agreement that state legislatures left these issues to the local board as their prerogatives. In negotiations with prospective superintendents, boards may wish to offer the power to deal with these issues, but always with the final approval of the board. It is possible that some prospective administrators will not accept a new position without some authority to shift staff or "bring in" new people. In all, it is a local concern, one not reaching into state legislation.

The issue of "unit" v. "dual" control seems to be somewhat unique to New Jersey. However, local boards throughout the United States have been known to frequently by-pass a superintendent. A recent happening in Pennsbury, Pennsylvania, included a superintendent under contract being relieved of his duties, having those duties assigned to two assistants who would report directly to the board.

In addition, contact persons were queried concerning evaluation of superintendents and the basis for contract renewal or non-renewal. Several common responses could be identified:

Evaluation is a local responsibility. Even if State legislation included evaluation of personnel, local districts had the responsibility to design and conduct the process (e.g., South Dakota and Iowa).

Due process inclusion. Superintendents and administrators are covered by "due process," whether under tenure, contract, or continuing employment status. In all States, primarily due to state and federal court decisions, all personnel have right to present their own case and appeal decisions. Some States have passed "Fair Dismissal" legislation (e.g., Georgia and Connecticut) or have published guidelines (e.g., Illinois).

Pleasure of the Board. Contract renewal tend to reflect interests of the local board of education. Superintendents and administrators under contract may be able to protect themselves with carefully worded contract provisions. The board does retain ultimate decision to renew or not renew contract. Only a few States require district to show "cause" for non-renewal.

Findings

Based on the above information from the sampled States, the following findings are offered:

1. Life time tenure, as offered in New Jersey, is indeed unique, and was found in only one other State (i.e., Minnesota).
2. One other State (South Dakota) used a "continuing contract" approach, providing superintendents with a permanent employment status. In essence, after three years, the local board awards a permanent position to the individual and discards yearly contracts.
3. Four other States (Illinois, Iowa, Wisconsin, and Wyoming) award a form of permanent employment to administrators, but not specifically to the position of superintendent. Individuals gain tenure as teachers, or as professional employees. One State does allow a local district to adopt a tenure policy if it wishes.
4. In fourteen States queried, no protection other than the contract or appointment period is provided. Contracts in those States were awarded and continued at the "pleasure" of the board, unless State law specifically forbids it.

5. Two States indicated an elimination of the superintendent's certificate (Washington and Colorado), thus allowing and encouraging non-educators to hold the position. California also allows non-educators to hold the position.
6. Several States without continuing employment or tenure protection have passed "Fair Dismissal Acts" providing all employees with "due process" rights.
7. Employment and tenure of "middle management" (principals, directors, and supervisors) is confused and, at best, vague throughout the country. Some States treat them as teachers; others exclude them. Increasingly, assistant and associate superintendents are being grouped with the superintendent and treated thusly.
8. The power of the superintendent to hire/fire and reorganize the school district rests essentially with the local board and their approval of his policy recommendations.
9. Evaluation of the superintendent (and other administrators), while it may be mandated by the State, is left for development by the local board. One State (South Dakota)

required the use of a State-developed design if district failed to develop their own. Another State (Pennsylvania) merely requires all districts to transfer local evaluation onto a State form.